

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 27, 2010. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-18 and 20 are pending in the Application. Claims 1, 8, 9, 11, and 15 are independent claims.

In the Final Office Action, claims 1-18 and 20 are rejected on the ground of nonstatutory obviousness-type double patenting over claims of co-pending Application No. 10/523,380. In response, Applicants will file a disclaimer of terms of such claims that will remain patentably indistinct from the claims of the co-pending application at the end of the prosecution of both applications.

Claims 1-18 and 20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,684,438 to Stephens et al. ("Stephens") in view of U.S. Patent Publication No. 20020029256 to Zintel ("Zintel"). Applicants respectfully traverse this rejection and submit that the rejected claims are patentable over Stephens in view of Zintel for at least the following reasons.

In its description, Stephens distinguishes between user devices 118, 120, 122, service devices 124, 126, 128 and network devices 104-116. A sentence preceding the Final Office Actions quotation from Stephens explains that "the virtual linking system 100 waits for a request from a user device". This qualification makes clear that in Stephens, "a user device initiates a Bluetooth device discovery request" to the system 100 (see,

Stephens, FIG. 1). This is contrary to "a first device of the plurality of simple and complex devices discovering at least one other device of the plurality of simple and complex devices" and "the first device requesting a simple device description for each discovered device for which the simple device description is required and receiving from the discovered device a simple device description message of a defined length, the message including the device type of the discovered device", as for example recited in claim 1. In other words, contrary to Stephens' description of communication between the user devices 118, 120, 122 and the system 100 over the Bluetooth network connection, claim 1 recites communication between networked devices. Accordingly, it is respectfully submitted that Stephens does not teach, disclose, or suggest the recitations of claim 1.

It is undisputed that Stephens does not describe devices including simple device descriptions being sent in message of a defined length or complex devices including an extended device description sent in message of a variable length, as set out in claim 1 or "the device types forming a predetermined hierarchy including one or more subsidiary device types depending on at least one other subsidiary device type and at least one basic device type" as recited in claim 1.

However, it is respectfully submitted that there is nothing in Zintel, including its Abstract and paragraph [0440] that describes a defined length for a simple device description message or a variable length for extended device description message as recited in claim 1. It is respectfully submitted that Zintel states only that "[t]he Content-

Length header will be the number of bytes in the XML body" which does not suggest that number of bytes to be of a defined or variable length.

As with regard to "hierarchy", referenced paragraph [0069] of Zintel states that a Device Definition includes "hierarchy of required Devices and Service Definitions". This only means that the devices are listed in the hierarchy of their importance, i.e., requirement. The referenced paragraph [0135] of Zintel does not add any explanation. As the Applicants have argued in the response to the previous Office Action, with reference to page 13, lines 20 to 24 of the specification explains that in accordance with the present claim recitation, a controller is able to control a device, even if the device was developed after the manufacture of the controller, when the device type of the device is derived from an appropriate point within the hierarchy of device types.

Furthermore, claim 1 is amended to clarify that "devices having a hierarchically lower device type are capable of controlling devices having hierarchically higher device type", support for this is found throughout the specification, for within the description of FIG. 4. It is respectfully submitted that this is not taught, disclosed or suggested in Zintel.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Stephens in view of Zintel. For example, Stephens in view of Zintel does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "a first device of the plurality of simple and complex devices discovering at least one other device of the plurality of simple and complex devices", the plurality of complex devices including an extended device description; the first device requesting a simple

device description for each discovered device for which the simple device description is required and receiving from the discovered device a simple device description message of a defined length, the message including the device type of the discovered device, the device types forming a predetermined hierarchy including one or more subsidiary device types depending on at least one other subsidiary device type and at least one basic device type, devices having a hierarchically lower device type are capable of controlling devices having hierarchically higher device type; and the first device requesting an extended device description from each discovered device for which the extended device description is required when the simple device description indicates that the extended device description is available, and receiving from the discovered device the extended device description message of a variable length" as recited in claim 1, and as similarly recited in each of claims 8, 9, 11, and 15.

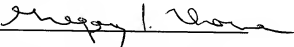
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 8-9, 11, and 15 are patentable and notice to this effect is earnestly solicited. Claims 2-7, 10, 12-14, 16-18, and 20 respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented

remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
December 27, 2010

THORNE & HALAJIAN, LLP

111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101